

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 6:00PM — Tuesday, November 23rd, 2021
Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #34 — November 23rd

At a Regular Meeting (#2) of the Board of Supervisors on Tuesday, November 23rd at 6:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair *Virtual*
Amber Foster, Member
Kevin McGhee, Member
Carty Yowell, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Alan Berry, Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present.

Chairman Jackson advised of the following amendments to today's agenda:

Consent Agenda

- 1a. Supplemental Appropriation: Crescere Donation (\$5,247.43)*
- 1b. Supplemental Appropriation: Cigarette Tax Startup Costs (\$8373.00)*

Supervisor Yowell made a motion to approve the agenda as amended, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment. With no public comment being brought forth, the public comment session was closed.

CONSENT AGENDA

1. Approve: Minutes from 11/09/21

Supervisor Yowell made a motion to approve the Consent Agenda as presented, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

SPECIAL APPEARANCES

CONSTITUTIONAL OFFICERS, COUNTY DEPARTMENTS, COMMITTEES & ORGANIZATIONS

OLD BUSINESS

2. UDA Update

The County Administrator advised the Board that it was his belief that the County's Comprehensive Plan would need to be amended to properly address the Town's UDA request. He also advised the Board that he would be attending a Smartscale webinar and would come back with a recommendation to present to the Board.

NEW BUSINESS

3. Hockey MOU

The County Administrator informed the Board that Parks and Rec staff and Mr. Artale have had several conversations with the Washington Capitals about their consideration of mutual agreement with the County to install a hockey rink at Hoover Ridge.

- *Supervisor Yowell: Asked about the letterhead for the MOU and if it was to be transferred to Board of Supervisors letterhead.*

The County Administrator said that the change could be made.

Chris Artale was present and gave the Board a brief overview of how talks with the Capitals have been going so far and a few specifics into the project. He indicated that the first part of the relationship starts with the MOU which will allow them to apply for the grant.

- *Chairman Jackson: Asked Mr. Artale when the MOU is due.*

Mr. Artale responded that he would like to get the MOU in tomorrow since the last meeting with them occurred in September.

- *Supervisor Yowell: Asked about the County Attorney's previous recommendation to place a duration within the contract.*

The County Attorney responded that it's all a matter of what the Capitals would be willing to agree to. Also stated that the finer details would likely be fleshed out once the County has committed to the project and broken ground.

- *Supervisor Yowell: Asked if the County Attorney's suggestion was to include the sunset provision and see how the Capitals respond.*

The County Attorney responded in the affirmative to Supervisor Yowell's question.

The County Administrator, in response to a question by Chris Artale about the sunset provision, stated that it was his belief that the MOU is so much in favor of the County that precluding the sunset provision may be a direction the Board may want to go in.

The County Attorney stated that the sunset provision is not mandatory and if the hockey team is amenable to it, then it could be included; if not, then take it out.

- *Chairman Jackson: Asked if one of the project leaders could ask the Capitals how they would feel about including the provision.*

Supervisor Yowell made a motion to authorize the County Administrator, the County Attorney, and Chris Artale to finalize the MOU with the understanding that they will be working off the presented MOU with the expectation of signature post-motion from the Board, seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

4. School Supplemental

Supervisor McGhee made a motion to approve the supplemental request from the schools in the amount of \$350,000, seconded by Supervisor Foster.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

5. Lexipol — CORDICO Mental Health & Wellness Solution

The County Administrator informed the Board of an ongoing need for dealing with mental health and stress for first responders. He also informed them that the previous County Administrator had tasked the Sheriff and the Director of EMS with looking at programs that may be applicable to meet the County's need.

Noah Hillstrom was present and followed up on the County Administrator's summary of the mental health need in the County. He gave the Board his opinion that the mental health need should be seen as preventive maintenance to prevent the negative attributes of stress and a lack of mental health support from developing.

Carl Frazzano was present virtually and gave a presentation to the Board on the CORDICO Mental Health & Wellness Solution on offer for the County. The presentation included:

- What resources would be made available under the 360-Wellness Solution
- How the self-assessments and wellness toolkits work in the program
- An overview of the Therapist Finder
- The Get Help Now option for emergency use
- ~12 week implementation time, but can be shorter

- *Chairman Jackson: Informed everyone that Supervisor Hoffman had joined the meeting virtually.*

- *Supervisor Foster: Asked if the subscription to the app included an unlimited amount of users.*

Mr. Frazzano replied that there is a tier system per-head; the amount per user will decrease as the amount of users goes up and there is no limit on the amount of family members / retirees that can be included.

- *Supervisor Yowell: Asked if the current offer was a one-off opportunity considering the \$8,000 discount.*

Mr. Frazzano responded that it wasn't necessarily a one-off offer and that they're doing an early adopter program incentive which incentivizes the first five agencies in a state with the discount.

The County Administrator asked Mr. Frazzano if Loudon County was using CORDICO's product.

Mr. Frazzano responded that he did not see anyone in Virginia using the Fire or Law Enforcement program from CORDICO.

- *Supervisor Yowell: Asked Noah Hillstrom if the current proposal was just for EMS.*

Mr. Hillstrom responded that Supervisor Yowell was correct and that the current proposal was just for EMS.

The County Administrator explained that Law Enforcement currently has their own program and that the Fire Department could latch onto the program if they desired. Asked Mr. Frazzano about the number of users for the proposed rate.

Mr. Frazzano responded that there are tiers usually ranging from about 10-15 users per tier. Stated that he believed the current rate was based on 45 staff members at EMS, which Mr. Hillstrom confirmed.

The County Administrator asked if the current pricing was based off of the 45 employees or 100 as he believed the original price was based around 100 users.

Mr. Frazzano responded that it would be \$12,000 for 100 users and \$8,000 for 45 users like what was shown for EMS. He explained that there is a 1-1 ration for full time employees, 2-1 for part time, and 10-1 for volunteers.

The County Administrator advised the Board of the recommended action included in their packet and said that the project would be evaluated during each budget session. He also explained that there were monies in the FY22 budget that would cover the cost of the project.

- *Supervisor Yowell: Asked when the start date would be.*

Mr. Frazzano responded that the Board could sign off on the agreement in January and start in April. Once the program launches is when the program would start.

Supervisor Yowell made a motion to approve the service agreement with CORDICO for the period of a year in the amount of \$12,000 and to have the County Administrator finish the agreement and establish a timeline for implementation.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

6. Planning Commission Items for Consideration:

a. Levels of Standards for Grandfathering

The County Attorney advised the Board that he had reached out to other localities regarding the issue of grandfathering and how people really don't understand what the term means. Stated that he believed, given the direction the County is currently headed in, that any additional changes to zoning or uses would have language included to permit things that were occurring prior to the use / zoning change. Said the first level should be to determine what the definition of grandfathering is going to be.

- *Chairman Jackson: Stated that he believed that it was something that should be added to ordinances with historical context so that the Board knows when the changes were implemented and how it would effect non-conforming uses.*

The County Attorney responded that he believed the Chairman's statement was fair. He also stated that they would need to be careful about affirmative government acts regarding users such as a building permit. Proposed that the Board include grandfathering language in the future and that the Board consider other things brought to their attention on a case-by-case basis.

- *Chairman Jackson: Asked about the "level of investment" and that it would give additional leverage to businesses and individuals.*

The County Attorney responded that the Chairman's statement was fair.

- *Chairman Jackson: Asked if the County Planner, Attorney, and Administrator would work together to craft into something for the future.*

The County Attorney responded in the affirmative.

- *Supervisor Yowell: Stated that he had spoken with a business owner in Madison that started prior the seasonal and brief ordinance; asked if correspondence from Betty Grayson constitutes a government action which would allow them to operate under grandfathering.*

The County Attorney responded that it would be dependent on the level of investment they have put out.

b. Remove Exclusion for Seasonal Brief and Definition of Full-Time Business

- *Supervisor Yowell: Stated that it was his belief that excluding Full-Time Businesses would leave practically no one left to operate under the ordinance, thus rendering it useless. Suggested that the exclusion for full-time businesses be removed.*
- *Chairman Jackson: Stated that the ordinance isn't meant to add another level of bureaucracy for people to go through; rather, it is meant to protect public safety during*

large events. Suggested that they go ahead and set a public hearing date for the first meeting in January.

c. Temporary Housing Consideration

➤ *Supervisor Yowell: Asked about accessory use in the ordinance.*

The County Attorney responded that a motor home is not classified as a building as thus would not be affected by the provision Supervisor Yowell was referencing.

The County Administrator asked the Board if they would like to add this to the public hearing already scheduled for the first meeting in January.

The Board replied that they would like for it to be added to the already scheduled public hearing.

7. Challenge to VATI Application

Tracey Gardner explained that there were challenges to Firefly's VATI application from Shentel, Comcast, and CenturyLink. Firefly believes they can successfully contest Comcast and Shentel; for CenturyLink, Firefly may need to acquire an MOU.

The County Administrator advised the Board of an email he received from David Blount and stated that the numbers needed to be the same regarding any MOU.

➤ *Supervisor Jackson: Asked where CenturyLink's portion of the map was.*

Ms. Gardner stated that CenturyLink was mostly around the Greene area. She also advised the Board that December 3rd will be the day of the parade and December 4th will be Merry Madison Day with 22 business participating.

8. RSA Mediation Participation

➤ *Chairman Jackson: Stated that the Board needed to appoint individuals to the mediation process with the recommendation being to appoint the County Attorney and County Administrator.*

Supervisor Yowell made a motion to appoint Jonathon Weakley and Sean Gregg to the mediation process with RSA, seconded by Supervisor McGhee.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

INFORMATION/CORRESPONDENCE

9. Upcoming Meeting Schedule

The County Administrator advised the Board of the current meeting schedule with the next joint meeting being December 1st and the next two regular meetings being December 14th and December 28th.

- *Chairman Jackson: Advised that Supervisor Foster had requested to cancel the 28th meeting due to conflict. Suggested that the matter be brought up in two weeks at the joint meeting to make sure there were no pressing matters that needed to be attended to.*

Alan Berry was present and advised the Board of the following Committee openings to be advertised at the Board's discretion:

- Mike Mosko, Planning Commission
 - Nan Coppedge, Planning Commission
 - E.J. Aylor Jr., Board of Zoning Appeals
 - Mesha Jones, Rappahannock Rapidan Community Services Board
- *Supervisor Foster: Advised that she also sat on the Community Services Board and that her position would need to be filled.*
- *Chairman Jackson: Stated that they needed to go ahead and advertise for the Planning Commission positions. Asked if E.J. Aylor had timed out from running again.*

Mr. Berry responded that he did not know if E.J. would be able to hold the position again.

- *Chairman Jackson: Stated that the Board would need to immediately advertise for both the Planning Commission and the Rappahannock Rapidan Community Services Board.*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment. With no public comment being brought forth, the public comment session was closed.

CLOSED SESSION

Supervisor Yowell made a motion to convene the Board in Closed Session pursuant to Virginia Code Sections:

- 2.2-3711(A)(1) for personnel; and
- 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultant pertaining to actual or probable litigation

Seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

Supervisor Yowell made a motion to re-convene the Board in Open Session, seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

Supervisor Yowell made a motion to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1) and 2.2-3711(A)(8) that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor Foster.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

Per the results of the Closed Session:

Supervisor Yowell made a motion to appoint Gavin Helme as the interim Emergency Management Coordinator, seconded by Supervisor Foster.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

ADJOURN

With there being no further business to conduct, Supervisor Yowell made a motion to adjourn, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*